



16 June 2006

The Honorable Joe Barton, Chairman
House Committee on Energy and Commerce
United States House of Representatives
2125 Rayburn House Office Building
Washington, DC 20510

Dear Mr. Chairman:

I am writing on behalf of the Institute of Electrical and Electronics Engineers – United States of America to express our support for your legislation, H.R. 2048, The Motor Vehicle Owners' Right to Repair Act of 2005, currently pending before the House Energy and Commerce Committee. IEEE-USA believes that legislation ensuring the interoperability of motor vehicle machinery and electrical/electronic systems, with the diagnostic technology used by independent auto repair facilities, is necessary to ensure vehicle safety, performance, and environmental compliance. Additionally, H.R. 2048 will help to protect consumers from unreasonable business practices that restrict open competition among repair facilities.

Consumers have the right to a market governed by competition. When auto manufacturers restrict access to the information that consumers need to diagnose problems arising in the mechanical and electrical/electronic systems of a motor vehicle, they change what would otherwise be considered a sale, which gives the consumer ownership, into a licensing transaction, which merely grants permission to use someone else's property. Licensing obligates the consumer to the manufacturer for the life of the auto and hinders reasonable purchaser expectations such as the ability to choose after-market repair parts or the shop that will conduct repairs. Without access to critical information motorists are forced to patronize dealerships, which may not be convenient, accessible or desirable to the owner. Moreover, the lack of competition and consumer choice will inevitably lead to higher repair prices. Consumers that have a choice of repair facilities in a market with competitive prices are more likely to maintain a safe vehicle.

IEEE-USA strongly encourages the protection of intellectual property rights associated with the sale of each automobile in the United States, including copyrights, trademark rights, trade-secret rights, and patent rights. However, the scope of such protection has always been and must continue to be carefully bounded and circumscribed so that the monopoly rights granted will serve their purpose to promote competition, innovation and American competitiveness. The practice of using secret "lock out" codes to monopolize after-market repairs does not serve any of those purposes. We believe that requiring manufacturers to disclose the information on the computer access codes used to make repairs does not compromise or limit an auto manufacturer's legitimate intellectual property rights.

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Sincerely,

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